

The 15th April, 1986

No. 9/8/86-6Lab/2809.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 321 of 1984

between

SHRI BALBIR SINGH AND THE MANAGEMENT, OF M/S S. G. STEEL PVT. LTD., PLOT NO. 6
SECTOR 4, BALLABGARH

Present :—

Shri Manohar Lal for the workman

Shri A. K. Sharma for the respondent management

AWARD

This industrial dispute between the workman Shri Balbir Singh and the respondent management of M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/45-84/31864—69, dated 28th August, 1984 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Balbir Singh was justified and in order ?
If not, to what relief is he entitled ?

The parties have settled their dispute. According to the statement of representatives of parties the workman has settled his dispute. Photo copy of the settlement is Ex. M-1. He has received Rs. 4,800.00 in full and final settlement of all his claims, Photo copy of the receipt is Ex. M, 2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.

Dated, the 12th March, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 766, dated the 18th March, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad,

The 16th April, 1986

No. 9/9/86-6Lab./2793.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Rural Industry, Vill. and P. O. Bhakri (Pali), Faridabad:—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 228/1982

between

SHRI SUKH RAM, WORKMAN AND THE MANAGEMENT OF M/S HARYANA RURAL
INDUSTRY, V. AND P. O. BHAKRI (PALI), FARIDABAD

Present:—

Shri B. M. Gupta for the workman.

Shri Jagbir Singh Badhana for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between Shri Sukh Ram, workman and the management of M/s Haryana Rural Industry, Vill. & P. O. Bhakri (Pali), Faridabad, to this Tribunal, for adjudication:—

Whether the termination of services of Shri Sukh Ram was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. It may be mentioned that Shri Jagbir Singh Badhana, representative of the Management, stated that the dispute between the parties had already been settled—*vide* settlement Ex. M-3 and that claimant had already received Rs. 900,—*vide* receipt Ex. M-4 in full and final settlement of his claim and had relinquished his rights of reinstatement etc. and that no dispute was now left between the parties. Shri B. M. Gupta, representative of the workman stated that he had heard the above statement made by the representative of the Management, which was correct, and that the dispute had already been settled—*vide* settlement Ex. M-3 and the claimant had already received Rs. 900/- in full and final settlement of his claim and had relinquished his rights of reinstatement etc. In view of the testimony of Shri Jagbir Singh Badhana, representative of the Management and Shri B. M. Gupta, representative of the workman and the recitals made in the documents Ex. M-3 and M-4, the dispute between the parties stands settled, as mentioned above. The award is passed accordingly.

Dated, the 17th March, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 197, dated 18th March, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 28th April, 1986

No. 9/6/86-6Lab/3227.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. The Xen. Sub-Urban Sub-Division, Haryana State Electricity Board, Gohana Road, Panipat, (ii) The Secretary, H.S.E.B. Chandigarh:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 8 of 1984

between

SHRI ZILA SINGH, WORKMAN AND THE MANAGEMENT OF THE MESSRS THE XEN.
URBAN SUB-DIVISION, HARYANA STATE ELECTRICITY BOARD, GOHANA ROAD,
PANIPAT (ii) THE SECRETARY, H.S.E.B., CHANDIGARH

Present :—

Shri Karan Singh for workman.

Shri S. S. Sirohi for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Zila Singh, workman and Messrs Haryana State Electricity Board to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Zila Singh, workman is justified and correct? If not, to what relief is he entitled?

Workman through his claim-statement alleged that he was in the service of respondent more than three years on daily wages. A notice, dated 1st August, 1983 was served upon him by the respondent-management for terminating his service on 2nd September, 1983 without any cause or reason. At the time of passing termination order no compensation was paid to him and no notice under section (9) of I.D. Act was given to him. It was alleged that termination of workman by the respondent is illegal. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that petitioner was an employee of H.S.E.B., which is corporate body constituted under Electricity Supply Act, 1948 and is a juristic person. But it was not sued by the workman, so the reference is bad for non-joinder and mis-joinder of necessary parties. It was also contended that particulars given by the workman are misleading. It was also contended that one month notice was issued and served upon the workman and after following proper procedure retrenchment of the workman was done he was paid retrenchment compensation also. It was contended that it was not necessary to issue notice under section 9(A). This reference is bad; hence it be dismissed.

On the pleadings of the parties, the following issues were framed;

Issues—

1. Whether termination order regarding the service of workman is according to law, if not, its affect? OPM
2. Whether application is bad for mis-joinder and non-joinder of necessary parties, if so, its effect? OPM
3. Relief?

I have heard Shri Karam Singh Ld. A.R. of workman and Shri S.S. Sirohi, Law Officer for respondent-management and have perused the oral and documentary evidence placed on the file. My issuewise findings are as under:

Issue No. 1—

In support of this issue respondent-management examined MW-1. Shri Amar Singh, S.D.C. and MW-2 Shri P.S. Lamba both the witnesses stated that due to paucity of work, notice was issued to workman regarding his retrenchment. Retrenchment compensation was offered to him which the workman denied. Later on it was despatched through Money Order but the Money Order was returned by the workman. Ultimately, the workman appeared in office of management and collected the retrenchment compensation in person.

On the other hand workman appeared in person as AW.1. And stated that notice was received by him. But the notice is illegal. He also stated that retrenchment compensation was not paid during the notice period. In cross-examination he admitted that retrenchment compensation was received by him. He also stated that after his retrenchment no junior has been employed in the same division.

In view of this above evidence, it is clear that due to shortages of work and material the respondents-management had retrenched its employees. Accordingly one month notice was served upon the workman, retrenchment compensation was paid to him; receipt of this sum is Ex-M-7. As per admission of workman no junior has yet been employed by the management in the same division after his retrenchment. So action of management is justified and correct, so this issue is decided in favour of respondent-management against the workman.

Issue No. 2—

Through this demand notice on the basis of same reference was made in this court. Haryana State Electricity Board which is itself a corporate body and also a juristic person has not been sued by the workman. So this reference is bad for non-joinder of necessary and proper parties. So this issue is also decided against the workman, in favour of respondent-management.

Issue No. 3—

For the foregoing reasons on the basis of my findings on issue Nos. 1 and 2, I think that workman is not entitled to relief of retrenchment with continuity in service and with full back wages because the termination order passed by respondent-management is just and correct. So the reference is answered accordingly and I pass award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,

Dated, the 17th March, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 867, dated the 18th March, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab/3228.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of the Xen., Sub-Urban, Sub-Division, Haryana State Electricity Board, Gohana Road, Panipat. (ii) The Secretary, Haryana State Electricity Board, Chandigarh :—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 7 of 1984

SHRI RANBIR SINGH, WORKMAN AND THE MANAGEMENT OF THE XEN,
SUB URBAN, SUB-DIVISION, HARYANA STATE ELECTRICITY BOARD,
GOHANA ROAD, PANIPAT. (ii) THE SECRETARY, HARYANA STATE
ELECTRICITY BOARD, CHANDIGARH.

Present : Shri Karan Singh for workman.

Shri S.S. Sirohi for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Ranbir Singh, workman and the Haryana State Electricity Board to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Ranbir Singh, workman was justified and correct, if not, to what relief is he entitled ?”

Workman through his claim-statement alleged that he was in service of respondent-management more than three years on daily wages. A notice, dated 1st August, 1983 was served upon him by the respondent-management for terminating his service on 2nd September, 1983 without any cause or reason. At the time of passing termination order no compensation was paid to him and no notice under section (9) of Industrial Disputes Act, was given to him. It was alleged that termination of workman by the respondent is illegal. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contended the dispute and contended that petitioner was an employee of Haryana State Electricity Board which is corporate body constituted under Electricity Supply Act, 1948 and is a juristic person. But it was not sued by the workman, so the reference is bad for non-joinder and

mis-joinder of necessary parties. It was also contended that particulars given by the workman are misleading. It was also contended that one month notice was issued and served upon the workman and after following proper procedure retrenchment of the workman was done he was paid retrenchment compensation also. It was contended that it was not necessary to issue notice under section 9(A). This reference is bad; hence it be dismissed.

On the pleadings of the parties the following issues were framed :

Issues—

- (1) Whether termination order regarding the service of workman is according to law, if not, its effect? OPM
- (2) Whether application is bad for mis-joinder and non-joinder of necessary parties, if so, its effect? OPM
- (3) Relief?

I have heard Shri Karan Singh learned A.R. of workman and Shri S. S. Sirohi Law Officer for respondent-management and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under:—

Issue No. 1.—

In support of this issue respondent-management examined MW-1. Shri Amar Singh, SDC and MW-2 Shri P. S. Lamba both the witnesses stated that due to paucity of work, notice was issued to workman regarding his retrenchment. Retrenchment compensation was offered to him which the workman denied. Later on it was despatched through money order, but the money order was returned by the workman. Ultimately, the workman appeared in office of management and collected the retrenchment compensation in person.

On the other hand workman appeared in person as AW-1 and stated that notice was received by him. But the notice is illegal. He also stated that retrenchment compensation was not paid during the notice period. In cross-examination he admitted that retrenchment compensation was received by him. He also stated that after his retrenchment no junior has been employed in the same division.

In view of his above evidence, it is clear that due to shortages of work and material respondent-management had retrenched its employees. Accordingly, one month notice was served upon the workman, retrenchment compensation was paid to him receipt of this sum is Ex-M-7. As per admission of workman no junior has yet been employed by the management in the same division after his retrenchment. So action of management is justified and correct, so this issue is decided, in favour of respondent-management against the workman.

Issue No. 2.—

Through this demand notice on the basis of same reference was made in this court. Haryana State Electricity Board which is itself a corporate body and also a juristic person has not been sued by the workman. So this reference is bad for non-joinder of necessary and proper parties. So this issue is also decided against the workman, in favour of respondent-management.

Issue No. 3.—

For the foregoing reasons on the basis of my findings on issue Nos. 1 & 2, I think that workman is not entitled to relief of retrenchment with continuity in service and with full back wages because the termination order passed by respondent-management is just and correct. So the reference is answered accordingly and I pass award regarding the dispute in hand accordingly.

V.P. CHAUDHARY,

Dated, the 17th March, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 868, dated 18th March, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.